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FISCAL IMPACT STATEMENT

LS 7005

BILL NUMBER: HB 1169

NOTE PREPARED: Feb 1, 2010

BILL AMENDED: Jan 25, 2010

SUBJECT: Volunteer Advocates Programs for Incapacitated Adults and Seniors.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill provides that a court will appoint volunteer advocates for seniors programs or volunteer advocates for incapacitated adults programs (programs) rather than individual advocates. The bill changes the: (1) reporting requirements for; (2) duties of; and (3) appointments of; programs. It provides that a program may petition the court for reasonable compensation or reimbursement of expenses. The bill also provides that probate courts in adjacent counties may establish joint- or multiple-county programs. The bill provides that probate courts may contract with an Indiana nonprofit corporation to provide programs. It also provides that the programs have the duties of a guardian of a minor. The bill provides that the programs have certain responsibilities regarding property that a guardian has.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) This bill changes reporting requirements for volunteer advocates for incapacitated adults and seniors. Currently, volunteer advocates are only required to file an initial progress report 15 days after appointment and a final progress report after appointment. The bill would require an initial report 30 days after appointment, a progress report 60 days after appointment, a progress or final report 90 days after appointment (depending on the decision of the court or the death of an incapacitated person), and an annual progress report (as determined necessary). This will increase court workload to hear the additional progress reports; however, increases are expected to be minimal.

Under the bill, volunteer advocates are authorized to request reasonable compensation for services provided and expenditures made in good faith on behalf of the incapacitated adult or senior. This will increase local expenditures depending on (1) court decisions to make compensation awards and (2) the court interpretation of reasonable compensation. Actual increases are indeterminable.

This bill also establishes the ability for local courts to contract with a nonprofit corporation in Indiana to provide volunteer advocate services for incapacitated adults and seniors. Courts are also authorized to establish joint- or multiple-county volunteer advocate programs. To the extent courts currently provide volunteer advocate programs and elect to contract with a nonprofit corporation, local court expenditures and/or workload may decrease. Additionally, to the extent courts establish joint-county programs, local court expenditures and/or workload may decrease as well.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Local courts.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.